UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,277	10/14/2003	Sheldon H. Foss JR.	03001.1030	4917
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Suite 700 ATLANTA, GA 30346			ART UNIT	PAPER NUMBER
			3694	
			MAIL DATE	DELIVERY MODE
			07/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/685,277	FOSS ET AL.				
Office Action Summary	Examiner	Art Unit				
	MARY GREGG	3694				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on <u>14 Ja</u>	nuary 2009					
• • • • • • • • • • • • • • • • • • • •	action is non-final.					
<i>,</i> —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1,3-16,21 and 22</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1, 3-16 and 21-22</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) X Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application						
Paper No(s)/Mail Date 6) Other:						

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DETAILED ACTION

1. The following is a Final Office Action in response to communications received January 14, 2009. Claims 2 and 17-20 has been canceled. Claims 1 and 21 have been amended. No new claims have been added. Therefore, claims 1, 3-16 and 21-22 are pending and addressed below.

Response to Amendments/Arguments

Claim Objections

2. Applicant's argument, see page 8 sec I, filed January 14, 2009, with respect to the objection to the specification respect to page 10 the acronym "OFAC" have been fully considered and are persuasive. The objection of the specification has been withdrawn.

Claim Rejections - 35 USC § 112

3. Applicant's amendments with respect to the rejection set forth in the previous Office Action for failing to particularly point and claim the applicant's invention is sufficient to overcome the rejection set forth in the Action. The examiner withdraws the rejection.

Claim Rejections - 35 USC § 103

4. Applicant's arguments filed January 14, 2009 have been fully considered but they are not persuasive. In the remarks the applicant argues (1) that the prior art does not teach creating a financial account (2) that the prior art financial account is not created in association with such a terminal (3) that the prior art does not teach the terminal operable to extract session data from a data source via a data interface, provide the

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session data to a server (4) that the prior art does not teach receiving authorization from the server for creating the financial account by validating the session data (5) the newly amended claims contain features not taught or suggested by the prior art combination.

In response to argument (1) that the prior art does not teach creating a financial account, the examiner respectfully disagrees. In the prior art combination US Patent No. 6,308,887 B1 by Korman et al. in view of US Patent No. 5,984,180 by Albrecht, the prior art teaches the authorizing process evaluating application and determining value and terms of the gift credit card and teaches explicitly if authorization is approve an account is created ((Albrecht)in at least Col 4 lines 47-67, Col 5 lines 5-14). The examiner maintains the prior art combination teaches the limitation.

In response to argument (2) that the prior art financial account is not created in association with such a terminal, the examiner respectfully disagrees. The prior art US Patent No. 6,308,887 B1 by Korman et al. in view of Albrecht teaches explicitly of multi-transactional architecture wherein the terminal provides multiple financial services. The prior art Albrecht teaches explicitly that the creation of the financial account can be carried out by an apparatus that comprises "credit data storage and a transaction processing system, ...capable of processing data associated with the consumer credit accounts, a plurality of points of sale" ((Albrecht) in at least Col 6 lines 65-Col 7 lines 1-5). As stated before the combination of the prior art teaching would have been obvious to one of ordinary skill in the art at the time of the invention to provide the terminal or Korman with the account creation, receiving and providing features of Albrecht in order

to have enabled the terminal of Korman to provide "gift credit cards" which are linked to a primary accounts. The rejection is maintained.

In response to argument (3) that the prior art does not teach the terminal operable to extract session data from a data source via a data interface, provide the session data to a server, the examiner respectfully disagrees. The prior art Korman and Albrecht both separately and in combination teaches explicitly of extracting data via a data interface and providing data to a server. Korman teaches in Col 5 lines 55-67, that the reader can increase/decrease stored amount and can decode and convert information from checks with respect to the transaction device. The teachings of Korman therefore extracts data via a data interface (reader) and provides information to a server. The prior art Abrecht explicitly teaches a system which encompasses credit data storage, transaction processing system known in the art (i.e. a terminal extracting data from a source) communication between a plurality of points of sales, and CPU containing customer accounts for authorization (provide data to a server) ((Albrecht) Col 6 lines 60-Col 7 lines 1-15). The rejection is maintained.

In response to argument (4) that the prior art does not teach receiving authorization from the server for creating the financial account by validating the session data, the examiner respectfully disagrees. The combination Korman in view of Albrecht teach explicitly in the authorization process ((Albrecht) Col 4 lines 20-67) that the information provided in the session for validation is "sufficient, accurate and acceptable" ((Albrecht) Col 4 lines 50-55). Therefore, the examiner maintains the prior art combination teaches the feature explicitly. The rejection is maintained.

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In response to argument (5) Applicant's arguments with respect to claims 1 and 21 amendments have been considered but are moot in view of the new ground(s) of rejection.

Official Notice

5. Since Applicant(s) did not reasonably traverse the Official Notice statement(s) as stated in the previous Office Action (Paragraph No. 7), the Official Notice statement(s) that it is well known in the art to apply a template to selectively scan portions of the data source in so far as check or cash accepting terminals often use templates to identify where amounts, signatures, identifying symbols, etc are located so as to properly recognize or validate checks or cash are taken to be admitted prior art herein referred to as APA. See MPEP §2144.03.

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 3-8, 10-16 and 21-22 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,308,887 by Korman (Korman), in view of US Patent No. 5,984,180 by Albrecht (Albrecht) and further in view of US Patent No. 6,105,007 by Norris (Nor).

In reference to Claim 1:

Korman teaches:

(Currently Amended) A terminal that can be operated by a merchant to provide a plurality of financial services to a customer, the terminal comprising: a data input interface (i.e. ATM/credit/debit card reader with smartchip read/write capability, see col 5, lines 55-67); a user interface (i.e. monitor, touch screen, keyboard, etc, see col 4, lines 49-67); a network interface configured to communication with a server (i.e. communications links, see col 7, lines 10-30); and a processor coupled to said data input interface, said user interface and said network interface (i.e. computer, see col 6, lines 46-67), the processor being operable to: receive a financial service selection from a customer via the user interface (see col 4, lines 49-67, note that the user may make indicate choices)..., extract session data from a data source associated with the customer through said data input interface (see col 5, lines 55-67, note that the card reader has read/write capability for increasing/decreasing stored value amounts, note

also the reading of MICR data); provide said session data to said server (see col 5, line 67- col 6, line 1);...

Korman does not explicitly teach:

...the financial service requiring the creation of a financial account;... receive an authorization from said server to provide the selected financial service and for creating the financial account, the authorization including the server validating the session data against at least one requirement for providing the selected financial service and qualifying the customer for the financial account applying the session data to a risk model comprising underwriting criteria; and provide the selected financial service including the creation of the financial account.

Albrecht teaches:

...the financial service requiring the creation of a financial account (see col 4, line 10-col 5, line 36, note that upon authorization, a secondary account is created);... receive an authorization from said server to provide the selected financial service and for creating the financial account (see col 4, line 10-col 5, line 36, note that the CPU issues an instruction for the creation of a second account, see also col 5, lines 45-60, and col 6, lines 9-12 note that once the secondary account is created, a credit instrument is created and sent to the purchaser), the authorization including the server validating the session data against at least one requirement for providing the selected financial service (see col 4, line 10-col 5, line 36, note that the authorization data is compared against that on file for authorization purposes, note also the check against established parameters) and ...underwriting criteria (see col 4, line 10-col 5, line 36,

note that the underwriting criteria include credit limit and minimum/maximum criterion); and provide the selected financial service including the creation of the financial account (see col 5, line 45-col 6, line 28, note that the secondary account is created and the card is sent to the purchaser or authorized user who may use it for future credit gift card transactions)

Albrecht suggest:

... <u>qualifying the customer for the financial account by applying the session data</u>

<u>to a risk model comprising underwriting criteria...((Albrecht) Col 4 lines 45-55).</u>

Nor teaches:

... <u>qualifying the customer for the financial account by applying the session data</u>

<u>to a risk model comprising underwriting criteria...((Nor) in at least Col 6 lines 45-52, Col 7 lines 1-35)</u>

Both Albrecht and Nor are explicitly directed toward determining credit extended and teach authorization data required for the credit to be granted. Nor teaches the motivation of providing a automated application, underwriting and transfer of funds system in order to provide greater convenience to the customer requesting extensions of credit. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art teachings as there is teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3

Both Korman and the combination are directed toward transaction systems, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided the terminal of Korman with the account creation, receiving, and providing features of the combination in order to have enabled the terminal of Korman to provide 'gift credit cards' which are linked to a primary account and have a defined expenditure limit as taught explicitly by Albrecht (see col 2, line 50-col 3, line 6) In reference to Claim 3:

The combination teaches:

(Previously Presented) The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the provision of the financial service and the validation (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the establishment of credit for the second account); and write the updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount). (see rationale supporting obviousness and motivation to combine of claim 1 above) In reference to Claim 4:

The combination teaches:

(Previously Presented) The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the validation (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the establishment of credit for the second account); and write the

updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)
In reference to Claim 5:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the provision of the financial service (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the use of credit for the second account); and write the updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 6:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said data interface includes a magnetic card reader (see Korman col 5, lines 55-67, note the MICR reading features).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 7:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said data interface includes a bar code reader (see Korman col 5, lines 53-67, note the bar code reading feature).

(see rationale supporting obviousness and motivation to combine of claim 1 above)
In reference to Claim 8:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said data input interface includes a scanner (see Korman col 5, lines 53-67, note the MICR reader. This fairly suggests a scanner in so far as the magnetic data is both read and decoded. See also col 8, lines 13-19, note that payment is possible with cash, fairly suggesting a scanner since the images of the bills would need to be scanned in recognized in order to determine their amounts).

(see rationale supporting obviousness and motivation to combine of claim 1 above)
With respect to claim 10:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes generating a pre-paid card (i.e. gift credit cards of Albrecht, see col 5, lines 37-44, note that they are prepaid in so far as the entire amount may be debited at one time, note also the phone cards below).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 11:

The combination teaches:

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(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes granting approval for accepting a check (see Korman, col 5, line 60-col 6, line 4).

In reference to Claim 12:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes providing cash to a customer (see Korman col 6, lines 1-4, note the dispensing of money, see also col 5, lines 39-40).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 13:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes performing a transfer of funds between a first and second account (see Korman col 5, lines 53-66 in combination with col 8, lines 13-36, note that the combination fairly suggests the purchase of various items via check. This is a transfer of funds in so far as it is fairly suggested that the account related to the check will be credited to the merchandisers account during a suggested clearing process).

(see rationale supporting obviousness and motivation to combine of claim 1 above)
In reference to Claim 14:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes transferring the stored value on a first stored-value card to the balance on a second stored value card (see Korman col 5, lines 52-67 in combination with col 8, lines 13-18).

In reference to Claim 15:

The combination teaches:

(Previously Presented) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes receiving information identifying the recipient of the bill, the amount of a bill, the source of funds for making the payment of the bill and then executing the payment of the bills (see Korman col 5, lines 60-67 in combination with col 8, lines 13-19).

(see rationale supporting obviousness and motivation to combine of claim 1 above)
In reference to Claim 16:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes generating a pre-paid telecommunications card (see col 5, lines 51-53).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 21:

The combination teaches:

(Currently Amended) A system for providing financial services, the system including a terminal and a server coupled said terminal, the system comprising:

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said terminal being operated by a merchant and having a first network interface configured to interface to said server and a data interface configured to receive a data source associated with a customer and being operable to (see Korman col 7, lines 11-30): extract session data from said data source via said data interface (see Korman col 5, lines 55-67, note that the card reader has read/write capability for increasing/decreasing stored value amounts, note also the reading of MICR data); receive a financial service selection, the financial service requiring the creation of a financial account (see Korman col 4, lines 49-67, note that the user may make indicate choices in combination with Albrecht col 4, line 10-col 5, line 36, note that upon authorization, a secondary account is created); obtain validation from said server (see Albrecht col 4, line 10-col 5, line 36, note that the CPU issues an instruction for the creation of a second account, see also col 5, lines 45-60, and col 6, lines 9-12 note that once the secondary account is created, a credit instrument is created and sent to the purchaser); and perform said selected financial service (see Albrecht col 5, line 45-col 6, line 28, note that the secondary account is created and the card is sent to the purchaser or authorized user who may use it for future credit gift card transactions); and said server having a second network interface configured to interact said terminal and being operable to (see Korman col 7, lines 11-30): receive session data from said terminal via said second network interface (see Korman col 5, line 67-col 6, line 1)) authorize the creation of the financial account and the provision of the selected financial service based in part on said session data by validating the session data against at least one requirement for providing the selected financial service (see Albrecht, col 4,

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line 10-col 5, line 36); ...alter a parameter of the financial account based on aggregated data from other financial accounts and the risk model (see Albrecht col 5, lines 37-44 in combination with col 4, line 53- col 5, line 13, note that the primary account is charged, based on the a determination that the transaction is within a prescribed minimum and maximum and less than the available credit of the primary account, note that it is fairly suggested that the credit limit is the result of the risk model in so far as a credit limit is the extent to which the lending entity is willing to risk lending its assets to the account holder); establish said financial account proximate to the validation of the financial service selection (see Albrecht col 5, lines 8-17, note that the secondary account is created after the authorization process is successfully completed); identify additional financial services that are available based on the session data (see Korman col 10, lines 39-44, note that the invention may be used to supply information based on the identity of the user); detect fraudulent or suspicious activity associated with the financial account (see Korman col 5, lines 15-29, col 6, lines 19-35, col 7, lines 39-43 note that fraud is detected/prevented via the use of PIN, biometric and tampering sensors/alarms); and send a validation notice to said terminal via said network interface (see Korman, col 5, line 67-col 6, line 4, note that the FSP authorizes the debit, which allows the terminal to dispense money).

The combination does not explicitly teach:

...and qualifying the customer for the financial account by applying at least a protion of said session data to a risk model comprising underwriting criteria...

Nor teaches:

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... and qualifying the customer for the financial account by applying at least a protion of said session data to a risk model comprising underwriting criteria...

...((Nor) in at least Col 6 lines 45-52, Col 7 lines 1-35)

Both the combination and Nor are explicitly directed toward determining credit extended and teach authorization data required for the credit to be granted ((Albrecht) see Albrecht col 5, lines 37-44 in combination with col 4, line 53- col 5, line 13, note that the primary account is charged, based on the a determination that the transaction is within a prescribed minimum and maximum and less than the available credit of the primary account, note that it is fairly suggested that the credit limit is the result of the risk model in so far as a credit limit is the extent to which the lending entity is willing to risk lending its assets to the account holder). Nor teaches the motivation of providing a automated application, underwriting and transfer of funds system in order to provide greater convenience to the customer requesting extensions of credit. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art teachings as there is teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 22:

The combination teaches:

(Original) The system of claim 21 (see rejection of claim 21 above), wherein said terminal is further operable to update said session data after performing said selected

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financial service (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the use of credit for the second account) and send said updated session data to said data source via said data interface. (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korman in view of Albrecht, in view of Norris and in further view of APA.

In reference to Claim 9:

The combination teaches:

(Original) The terminal of claim 8 (see rejection of claim 8 above), but does not explicitly teach wherein said processor is further operable to apply a template to selectively scan portions of the data source in obtaining the said session data. APA teaches that it is well known in the art to apply a template to selectively scan portions of the data source in so far as check or cash accepting terminals often use templates to identify where amounts, signatures, identifying symbols, etc are located so as to properly recognize or validate checks or cash. It would have been obvious to one having ordinary skill in the art to have provided the check and cash accepting features of Korman with the template feature of APA in order to have facilitated the processing the cash and checks accepted by Korman's invention.

Conclusion

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 6,951,008 B2 by Quaile is cited for teaching evidence reasoning method and systems.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G./ Examiner, Art Unit 3694

/James P Trammell/ Supervisory Patent Examiner, Art Unit 3694